

EXHIBIT F

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re: Chapter 9

SUFFOLK REGIONAL OFF-TRACK BETTING Case No.
CORPORATION, 12-43503-CEC

Adjusted Debtor.

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JENNIFER TOMASINO, KEVIN MONTANO, RICHARD
MEYER, and APRYL L. MEYER,

Plaintiffs,

-against- Adv. Proc. No.
18-1033-CEC

INCORPORATED VILLAGE OF ISLANDIA, BOARD OF
TRUSTEES OF THE VILLAGE OF ISLANDIA, DELAWARE
NORTH ISLANDIA PROPERTIES, LLC, aka DELAWARE
NORTH, and SUFFOLK REGIONAL OFF-TRACK BETTING
CORPORATION,

Defendants.

-----X

October 15, 2018
10:18 a.m.

100 Motor Parkway
Hauppauge, New York

DEPOSITION of APRYL MEYER, a Plaintiff
herein, taken by Adversarial Parties, pursuant
to Federal Rules of Civil Procedure, and Notice,
held at the above-mentioned time and place,
before Edward Leto, a Notary Public of the State
of New York.

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2 A P P E A R A N C E S:

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LAW OFFICES OF ANTON J. BOROVINA
Attorneys for Plaintiffs
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BY: ANTON J. BOROVINA, ESQ.

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BY: MICHAEL STANTON, ESQ.

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BY: CHARLES W. MALCOMB, ESQ.

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BY: CHRISTOPHER F. GRAHAM, ESQ.
REN-ANN WANG, ESQ., of Counsel

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FEDERAL STIPULATIONS

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IT IS HEREBY STIPULATED AND AGREED by
and between the parties hereto, through their
respective counsel, that the certification,
sealing and filing of the within examination
will be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form of
the question, will be reserved to the time of
the trial;

IT IS FURTHER STIPULATED AND AGREED that
the within examination may be signed before any
Notary Public with the same force and effect as
if signed and sworn to before this Court.

1 A. Meyer

2 A P R Y L M E Y E R, the Witness herein,
3 having been first duly sworn by a Notary
4 Public in and of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. MALCOMB:

8 Q Please state your full name for
9 the record.

10 A Apryl Meyer.

11 Q What is your current address?

12 A 1 Dawson Court, Islandia, New York
13 11749.

14 (A. Meyer Exhibit A,
15 Amended Complaint, was marked for
16 identification, as of this date.)

17 Q Hi, Ms. Meyer. How are you doing
18 today?

19 A Good, how are you?

20 Q Good. My name is Chuck Malcomb.
21 I'm an attorney with Hodgson Russ. I represent
22 Delaware North, one of the Defendants in this
23 matter.

24 Have you ever been deposed before?

25 A Once before.

1 A. Meyer

2 the contractor gave you?

3 A Yes.

4 Q And then you wanted some upgrades
5 so you paid that much more, right?

6 A Right.

7 Q So, at the time you bought it,
8 there was still an opportunity for you to make
9 changes to the house, right?

10 A Yes.

11 Q When you bought your home, did you
12 look at the zoning regulations in the Village of
13 Islandia?

14 A I didn't.

15 Q Did you look at the Master Plan?

16 A I didn't. I didn't know what a
17 Master Plan even was.

18 Q So, you didn't rely on the Master
19 Plan when you bought your house?

20 A No.

21 Q You didn't rely on the zoning
22 regulations when you bought your house?

23 A No.

24 Q Did you investigate the
25 surrounding land uses at the time you bought?

1 A. Meyer

2 A Meaning?

3 Q Did you take a drive around and
4 look at what was going on around your proposed
5 location?

6 A I did. I actually grew up fairly
7 close to that area, so when we purchased the
8 home I kind of knew the surrounding areas.

9 Q Where did you grow up?

10 A In Islip Terrace.

11 Q So what did you observe when you
12 were kind of doing your investigation of the
13 area?

14 A I mean, we saw, you know, the
15 casino. The first thing my husband said was the
16 hotel; he said, you know, do you want to live
17 this close to a hotel, and I said well, I've
18 actually worked in that hotel. I've done jobs
19 in there and it was always quiet. Never really
20 any traffic or cars, so it didn't bother us at
21 the time at all.

22 Q What were the land uses you
23 noticed when you were looking at buying the
24 place around the area?

25 A Well, there was the Park & Ride

1 A. Meyer

2 because, I mean, we live in a village and we
3 know that no casinos were allowed to be in the
4 village, so -- I mean, yes, in an industrial
5 area you would assume so, but we don't live in
6 an industrial area.

7 Q I'm just asking you in a zoning
8 district that allows industrial and
9 manufacturing type uses, warehousing uses, would
10 it be appropriate to locate a VLT facility in
11 that zoning district?

12 MR. BOROVINA: Continuing
13 objection.

14 A If it was within legal
15 ramifications, yes.

16 Q Thank you. I want to go back to
17 the questions that I asked you about Suffolk
18 County Concerned Citizens. You mentioned that
19 you were the treasurer?

20 A Yes.

21 Q In that context, correct me if I'm
22 mistaken, but you said that you were part of
23 founding that group, right?

24 A Yes.

25 Q And that you worked together with

1 A. Meyer

2 Do you agree with that statement?

3 A I do.

4 Q Could you tell me what you relied
5 upon to make the allegation that your property
6 value has gone down?

7 A Just a lot of research that we've
8 done.

9 Q Could you detail that?

10 A Do I know where I looked
11 specifically? I looked in a lot of different
12 places that I don't recall off the top of my
13 head, but one of the studies we did, it showed
14 that we were the closest residential area to a
15 casino in North America, and usually it's 20
16 percent loss of value when you're anywhere even
17 near a casino within a one- to two-mile radius.
18 And we're the closest, so.

19 Q And what information are you
20 basing that 20 percent figure on?

21 A What do you mean "what
22 information"? Just the research we've done.

23 Q What sources did you use?

24 A I don't remember where I looked it
25 up, but we looked up a lot of different things.

1 A. Meyer

2 Q Online materials?

3 A Yes, a lot of that.

4 Q People in the Concerned Citizens
5 group shared some stuff with you probably,
6 right?

7 A Yes, and we had some people come
8 in and speak on behalf of where they live. You
9 know, if they lived close to a casino, they
10 spoke and gave us their stories as well.

11 Q And what was the information that
12 you derived from that on property value?

13 A I'm sorry?

14 Q What information did you get from
15 those speakers about property value?

16 A That it would be diminished pretty
17 significantly.

18 Q Did they provide any studies or
19 evaluations that you can recall?

20 A They did. They did.

21 Q Do you remember what they were?

22 A I don't remember.

23 Q Did you hire any type of an
24 expert, did you personally or did Concerned
25 Citizens hire any type of an expert on property

1 A. Meyer

2 values?

3 A No.

4 Q Did you talk to any appraiser
5 about this issue?

6 A We have a friend who's an
7 appraiser and he did say that it would go down
8 in value, but he didn't write anything down for
9 us.

10 Q And he didn't look at your house
11 or look at your area, right?

12 A No.

13 Q Look at paragraph 78 if you could.
14 "Delaware North's use of the premises is
15 presently causing and effecting and, unless
16 abated, will continue to cause and effect a
17 directly related, local and more intense
18 increase in crime rates, prostitution, public
19 intoxication, gambling and drug addiction and a
20 diminution of Plaintiffs' respective
21 properties," do you see that?

22 A Yes.

23 Q Did I read that accurately?

24 A Yes.

25 Q Do you agree with that statement?

1 A. Meyer

2 documents, all those police reports?

3 A I'm not sure actually. We saw
4 some of them.

5 Q When did you receive the
6 documents?

7 A We're picking them up today.

8 Q So you don't actually have them
9 yet?

10 A No, but we did have one person
11 from Concerned Citizens, he has them in his
12 possession, so we were able to see about a year
13 or two of the police reports.

14 Q Got it. Can you talk about the
15 prostitution issue in paragraph 78? Have you
16 seen any evidence of prostitution?

17 A No, but it's what I've heard.

18 Q What have you heard?

19 A That there was prostitution going
20 on in the casino and around the casino.

21 Q Who did you hear that from?

22 A Just people in the neighborhood
23 and my husband's friends who are police officers
24 told us.

25 Q So, police officers told you that

1 A. Meyer

2 Q Well, how do you know about it?

3 A Because they're our friends. They
4 tell us, "In your backyard there's prostitution
5 going on."

6 Q Then you used that information to
7 make these allegations?

8 A I mean, first of all, some of
9 these allegations are just based off what goes
10 on in casinos in general.

11 Q So this isn't specific to this
12 casino, is that what you're saying?

13 A My husband had seen so many of
14 them. He works in the surrounding areas. He
15 knows which ones are prostitutes and which ones
16 are not. He sees them walking all over the
17 casino.

18 Q Maybe we can move on from this
19 line of questioning if you can testify that this
20 allegation is not based on the conditions of the
21 VLT facility next to your house. You're talking
22 about in general, right?

23 MR. BOROVINA: Objection to
24 that question. And she's not
25 making that representation.

1 A. Meyer

2 with respect to this allegation, you're saying
3 this is casinos in general, not necessarily the
4 Delaware North facility?

5 A I don't want to testify to that
6 because that's not necessarily the truth. I
7 mean, that's partially, you know, the reason,
8 but I do know that people had said that there's
9 been prostitution.

10 Q And I need to know who those
11 people are.

12 A I can't give you that information.

13 Q Are you refusing to answer that
14 question?

15 A They work there -- it's their --
16 yes, I am.

17 Q You're refusing to answer that
18 question?

19 A I have to.

20 MR. MALCOMB: We'll move
21 on. Let the record reflect that
22 the witness refused to answer the
23 question.

24 Q Drug addiction, what information
25 are you basing that allegation on?

1 A. Meyer

2 A The same exact thing as the
3 prostitution; people that work in narcotics and
4 undercover.

5 Q I'm assuming that you're not going
6 to --

7 A I can't.

8 Q -- tell me that information
9 either?

10 A I can't.

11 Q So there are these unnamed people
12 making these allegations that you've parroted in
13 this Complaint and we can't ask any questions,
14 right?

15 A But if there's an undercover
16 officer on a job, how am I supposed to give that
17 information? It's not my --

18 Q No, I understand, but let me ask
19 you this because you're married to a police
20 officer, I don't have any family members who are
21 police officers, I don't know all the rules on
22 how it works off the top of my head here, but
23 let me ask you this, to your knowledge, if
24 somebody's working undercover, are they supposed
25 to tell other people?

1 A. Meyer

2 MR. BOROVINA: All right.

3 Q So are you refusing to answer the
4 question on drug addiction?

5 MR. BOROVINA: That
6 question drug addiction? What
7 question are we talking about?

8 Q Are you refusing to answer the
9 question about your source of knowledge on drug
10 addiction?

11 MR. BOROVINA: Other than
12 what she's already testified to?

13 MR. MALCOMB: Correct.

14 A Yes.

15 MR. MALCOMB: She's
16 testified that it comes from these
17 people that we can't tell you.

18 MR. BOROVINA: That's not
19 the sole source of her testimony.
20 That it came from verbal
21 communications as well.

22 MR. MALCOMB: Of course it
23 came from verbal communications.
24 That's what we're talking about.

25 MR. BOROVINA: She said she

1 A. Meyer

2 identities, that she's not going
3 to reveal them, and we will be
4 reserving our right to move to
5 compel her testimony.

6 That's all the questions I
7 have at this time.

8 EXAMINATION BY

9 MR. STANTON:

10 Q Ms. Meyer, my name is Mike
11 Stanton. I represent the Village in this
12 proceeding.

13 You testified earlier that when
14 you purchased your home, you did not rely on the
15 Village's Master Plan, do you recall that
16 testimony?

17 A Yes.

18 Q That testimony was accurate?

19 A Yes.

20 Q Have you ever seen the Village's
21 Master Plan?

22 A No.

23 Q Never to this date?

24 A No.

25 Q So, it's safe to assume that

1 A. Meyer

2 Q And then he'll turn it over to us.

3 MR. MALCOMB: Can we go off
4 the record for a second.

5 (Discussion held off the
6 record.)

7 MR. GRAHAM: Back on the
8 record.

9 Q And I believe you testified that
10 to your knowledge, no one has been charged with
11 a crime as a result of any of the phone calls
12 that you made to the police, right?

13 A No.

14 Q Is that right?

15 A That's right.

16 Q So, you're not aware of anybody
17 being arrested or getting a ticket or anything?

18 A No.

19 Q Of these 15 to 20 calls, do you
20 remember in substance what you said on any of
21 these calls to the police officer that answered
22 the phone?

23 A Well, it would be the responder,
24 right, that I spoke with.

25 Q All right.

1 A. Meyer

2 friendly people just looking to get to the
3 casino.

4 Q You weren't afraid or anything?

5 A Not with them. Just the
6 suspicious people.

7 Q Mr. Malcolm asked you a number of
8 questions about paragraph 78 and, in particular,
9 I'm just going to quote from paragraph 78 of the
10 Complaint which is exhibit, I believe, Meyer A.
11 Look at paragraph 78 on page 11.

12 Do you see that, Ms. Meyer?

13 A Yes.

14 Q Do you remember that language
15 where it refers to "intense increase in crime
16 rates," do you see that?

17 A Yes.

18 Q You haven't personally seen any
19 criminal activity, have you?

20 A Me with my own personal eyes?

21 Q Yes.

22 A Is urinating like the urination on
23 our trees in front of our home considered a
24 crime?

25 Q Is there anything else? So you

1 A. Meyer

2 your attorney, that would great.

3 A I'll do that, definitely.

4 Q So, other than that incident, any
5 other crime that you observed?

6 A I haven't seen the crime, no, but
7 I also choose not to.

8 MR. MALCOMB: Let's index a
9 demand for that.

10 MR. GRAHAM: Yes.

11 MR. MALCOMB: It seems like
12 there's quite a few documents that
13 haven't been turned over in
14 discovery.

15 MR. BOROVINA: I don't
16 agree with that characterization,
17 but to the extent that they're
18 being identified now.

19 A And that was with Concerned
20 Citizens. That was, like --

21 MR. MALCOMB: Is it on your
22 telephone?

23 THE WITNESS: What was
24 that?

25 MR. MALCOMB: Where is the

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C E R T I F I C A T E

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I, EDWARD LETO, a Notary Public in and
for the State of New York, do hereby certify:

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THAT the witness whose testimony is
hereinbefore set forth, was duly sworn by me;
and

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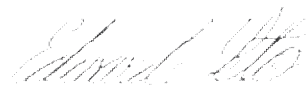
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THAT the within transcript is a true
record of the testimony given by said witness.

I further certify that I am not related,
either by blood or marriage, to any of the
parties in this action; and

THAT I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 18th day of October, 2018.



EDWARD LETO

